



CITY OF MEMPHIS

COUNCIL AGENDA

December 7, 2004

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (November 23, 2004)

CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING (none)

GENERAL ORDINANCE- SECOND READING (none)

ZONING ORDINANCE - FIRST READING

1. **JOINT ORDINANCE** readopting #5028AM, adopted by the Shelby County Board of Commissioners on May 28, 2004 and the Council of the City of Memphis on July 6, 2004; So as to make certain technical and formatting corrections therein, up for F I R S T reading.

Peete

Ordinance No. 5087

Case No. ZTA 03-002cc

Applicant: Memphis & Shelby County Office of Planning & Development
Mary Baker – Representative

Request: To readopt Ordinance #5028AM, to make technical and formatting corrections by deleting text and providing for modifications on the following pages: 6, 13, 17, 20, 22, 24, 26, 27 and 28

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Adopt the ordinance on First reading

ZONING ORDINANCE - SECOND READING

2. **ORDINANCE** rezoning the east side of Highway 61; +350 feet north of Horn Lake Road and directly across from the intersection of Levi Road, containing 15.26 acres, in the Multiple Family Residential (R-ML) District, up for S E C O N D reading.

Peete

Ordinance No. 5088

Case No. Z 04-134

Applicant: General Board of Personnel Services CME Church
Lorenzo Lester – Representative

Request: Single Family Residential (R-S8) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

3. **ORDINANCE** rezoning the east side of Highway 61; +200 feet north of Horn Lake Road and +600 feet south of Levi Road, containing 4.39 acres in the Multiple Family Residential (R-ML) District, up for S E C O N D reading.

Peete

Ordinance No. 5089
Case No. Z 04-135

Applicant: General Board of Personnel Services CME Church
Lorenzo Lester – Representative

Request: Commercial Neighborhood (C-N) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

ENGINEERING (none)

NOTATIONS FROM OPD

4. **NOTATIONS** from Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

A. Case No. PD 04- 359 – LAMAR/DAVIDSON ROAD PLANNED DEVELOPMENT

Located on the east of Davidson Road and north of the Mississippi State Line, extending to Lamar Ave (US Highway 78), containing 32.53 acres in the Agricultural (AG) District

Applicant: Joe Lunati
Homer Branan – Representative

Request: Highway Commercial and Light Industrial uses and realignment of Davidson Road

LUCB recommendation: REJECTION

OPD recommendation: APPROVAL, with conditions

B. Case No. PD 04-363cc – CEDAR CREEK PLANNED DEVELOPMENT

Located on the south side of Latting Road; +276.45 feet east of Pisgah Road, containing 36.98 acres in the Agricultural (AG) District

Applicant: Latting Road Partners, LLC
Michael Fahy, Prime Development, Inc. – Representative

Request: A planned development to permit 71 single family detached lots with a minimum lot size of 9,700 square feet within

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: HOLD

C. Case No. PD 04-366 – CHRISTIE STONESCAPES PLANNED DEVELOPMENT

Located on the south side of U.S. Highway 64; +/-340 feet west of Gray’s Creek Drive, containing 5.90 acres in the Agricultural (AG) & Agricultural Flood Plain(AG{FP}) Districts

Applicant: Bond Christie
Fisher & Arnold, Inc. – Representative

Request: Planned development to permit office/showroom for cut and natural stones, including outdoor display and material storage areas within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

D. Case No. SR 04-903 – WOODLAND HILLS PLANNED DEVELOPMENT, PHASE ONE (P.D. 92-323CC)

Located on the south side of Macon Road at Far Drive and containing 3.79 acres

Applicant: Jim Ethridge and Coastal Fuels Inc.
Fisher and Arnold (Jud TePaske) – Representative

Request: Revoke final plat for Phase One of the Woodland Hills Planned Development

LUCB and OPD recommendation: APPROVAL

E. Case No. UV 04-13

Located on the west side of Gaither Street; \pm 150 feet north of South Parkway, containing 5,500 square feet (0.128 acre) in the Single-Family Residential (R-S6) District

Applicant: Sharon Wiggins
Whalen Surveying – Representative

Request: Beauty Salon

LUCB and OPD recommendation: REJECTION

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: December 21, 2004

GENERAL ITEM



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MLGW FISCAL CONSENT

5. RESOLUTION approving Renewal No. 2 to Contract No. 10878, Information Services Support, with Kc Management Group in an estimated funded amount of \$276,000.00.
6. RESOLUTION approving Renewal No. 2 to Contract No. 10879, Information Services Support, with Computer Horizons Corporation in an estimated funded amount of \$309,960.00.
7. RESOLUTION approving Renewal No. 2 to Contract No. 10880, Information Services Support, with Science Applications International Corporation in an estimated funded amount of \$456,560.00.
8. RESOLUTION approving Renewal No. 2 to Contract No. 10881, Information Services Support, with Cook Systems International, Inc. in an estimated funded amount of \$456,560.00.
9. RESOLUTION approving Renewal No. 2 to Contract No. 10883, Information Services Support, with Ciber, Inc. in an estimated funded amount of \$929,760.00.
10. RESOLUTION awarding contract for computer equipment to Trinity Technologies, Inc. in the amount of \$2,468,215.00 approximately.
11. RESOLUTION awarding contract for meter test board to Watthour Engineering Company, Inc. in the amount of \$41,150.00.
12. RESOLUTION awarding contract for paper products to Industrial Sales Company of Memphis in the amount of \$200,749.21, approximately.
13. RESOLUTION awarding 36-month contract for 15.5 kV voltage circuit breakers to S & C Electric Company c/o Curtis H. Stout of Tennessee in the amount of \$386,995.00, approximately.
14. RESOLUTION awarding contract for concrete standards as follows:

Stress Crete c/o Curtis H. Stout of Tennessee.....	\$1,764,113.00 (approximately)
Southern Sales and Services Company, Inc.....	<u>578,884.00</u> (approximately)
Total:	\$2,342,997.00 (approximately)
15. RESOLUTION awarding contract for crawler dozer to Tiger Equipment, Inc. in the amount of \$168,686.00.
16. RESOLUTION awarding 36-month contract for photo-electric cell relays to Utilicor in the amount of \$273,600.00, approximately.
17. RESOLUTION awarding contract for 38' galvanized steel expressway poles to Union Metal Corporation c/o Ross & Associates in the amount of \$73,000.00.
18. RESOLUTION awarding contract for 15' truss-type galvanized steel support brackets to Street and Area Lighting Company, Inc. c/o John J. Aertker, Jr. Company. Inc. in the amount of \$77,000.00.
19. RESOLUTION approving salaries S-74943 and S-75125 through S-75127 for existing employees.
20. RESOLUTION approving renewal of Cooperative Agreement No. 5447, Investigation of Water Resources, with the United States Department of the Interior Geological Survey, in the amount of \$50,000.00, for the period of 10/1/04 to 9/30/05.

21.	RESOLUTION awarding contract for water meters as follows:	
	AMCO Water Metering Systems.....	\$ 469,500.00 (approximately)
	Neptune Technology Group.....	1,761,000.00 (approximately)
	Badger Meters, Inc.....	<u>995,313.04</u> (approximately)
	Total:	\$3,225,813.04 (approximately)



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APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

REGULAR AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

GENERAL ORDINANCE - THIRD AND FINAL READING (none)

EXECUTIVE DIVISION

22. RESOLUTION accepting \$983,391.61 in funds from the Tennessee Department of Labor & Workforce Development to provide training and services under the Workforce Investment Act (WIA Dislocated Worker Services 2005). Resolution also amends the Fiscal Year 2005 Operating Budget to appropriate grant funds.

Sammons

ACTION REQUESTED: Adopt the resolution

23. RESOLUTION accepting \$315,601.95 in funds from the Tennessee Department of Labor & Workforce Development to provide training and services under the Workforce Investment Act (WIA Admin Services 2005). Resolution also amends the Fiscal Year 2005 Operating Budget to appropriate grant funds.

Sammons

ACTION REQUESTED: Adopt the resolution

24. RESOLUTION accepting \$1,857,025.92 in funds from the Tennessee Department of Labor & Workforce Development to provide training and services under the Workforce Investment Act (WIA Adult Services 2005). Resolution also amends the Fiscal Year 2005 Operating Budget to appropriate grant funds.

Sammons

ACTION REQUESTED: Adopt the resolution

FINANCE & ADMINISTRATION (none)

DIVISION OF FIRE SERVICES

25. RESOLUTION accepting grant funds in the amount of \$35,000.00 from the Department of Homeland Security, Federal Emergency Management Agency for the Urban Search and Rescue Program. Resolution also amends FY 2005 Operating Budget to appropriate grant funds.

Taylor

ACTION REQUESTED: Adopt the resolution

26. RESOLUTION accepting grant funds in the amount of \$938,035.00 from the Department of Homeland Security, Federal Emergency Management Agency for the Urban Search and Rescue Program. Resolution also amends FY 2005 Operating Budget to appropriate grant funds.

Taylor

ACTION REQUESTED: Adopt the resolution

DIVISION OF GENERAL SERVICES

27. RESOLUTION appropriating \$1,230,000.00 for the purchase price of real property containing approximately 21.8 acres located on the west side of Appling Road, south of Fletcher Creek and north of the intersection of Pate Road and Appling Road, plus the estimated costs for closing at \$5,000.00, environmental studies \$7,500.00 and engineering reports \$17,000.00 for a total of \$1,259,500.00 from G.O. Bonds General in the FY 2005 Capital Improvement Budget, CIP Project Number PS01009, Motor Vehicle Inspection Station is to be credited for \$629,750.00 and CIP Project Number PS01010, Animal Shelter is to be credited for \$629,750.00. The subject property provides both the convenient location and the acreage needed for the Public Services Motor Vehicle Inspection Station and Animal Shelter projects.(Held from 11/23)

Jones

Directors of General Services and Public Services and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

28. RESOLUTION approving sale of property to ANR Pipeline Company, said property being a portion of the same property conveyed to the City of Memphis, for the use and benefit of MLGW by deed of record as described in the Register's Office of Shelby County, Tennessee in the Register's Official Record Book under Instrument No. 04162693, for and in consideration of \$65,500.00.

Jones

ACTION REQUESTED: Adopt the resolution

29. RESOLUTION appropriating funds for the purchase of real property containing approximately 4 acres located on the east side of Pleasant Hill Road, south of Pleasant Run Road and north of Holmes road, in the amount of \$314,300.00 from G. O. Bonds General.

Jones

Resolution appropriates \$298,000.00 for the purchase price, plus the estimated costs for closing \$5,000.00, environmental studies \$3,500.00, and survey engineering reports \$7,800.00 for a total of \$314,300.00, from G.O. Bonds General, in the FY 2005 Capital Improvement Budget, CIP Project Number FS 02014, South 78 Annexation (Now Fire Station 57), is to be credited for \$314,300.00. The subject property provides both the convenient location and a usable size of the needed Fire Station 57.

Director of General Services, Director of Fire Services, and City Engineer recommend approval

ACTION REQUESTED: Adopt the resolution

30. RESOLUTION accepting an offer to purchase property owned by City located at 6091 Walnut Grove Road, former Fire Station #44, containing approximately 2.06 acres, more or less, in the amount of \$547,000.00.

Jones

Resolution approves an Offer to Purchase City property located at 6091 Walnut Grove Road, former Fire Station #44. Said offer is in the amount of \$547,000.00 from Baptist Memorial Hospital. Said property contains approximately 2.06 acres, more or less. Per ordinance, the sale of the subject property is NOT subject to the offer laying over for a second reading to allow for an increase of the offer. Resolution approval on the first reading shall be deemed as approval of sale. Resolution also authorizes the Mayor to execute the necessary documents, on behalf of the City of Memphis, in connection with the sale.

Director of General Services recommends approval

ACTION REQUESTED: Adopt the resolution

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (none)

DIVISION OF HUMAN RESOURCES (none)

LAW DIVISION

31. RESOLUTION to accept grant funds in the amount of \$893,718.00 from the Department of Justice, Office of Violence Against Women, for the Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program. Resolution also amends FY 2005 Operating Budget to appropriate grant funds.

Taylor

ACTION REQUESTED: Adopt the resolution

DIVISION OF PARK SERVICES

32. RESOLUTION amends the FY 2005 Capital Improvement Budget by transferring in PK01008, Hickory Hill Community Center, allocation and appropriation amounts of \$6,912.00 from Architect Engineering and \$25,609.00, total amount of \$32,521.00 from Other Cost to Contract Construction to construct a Hickory Hill Park and Community Center sign at 3910 Ridgeway Road, funded by G.O. Bonds – General.

McCormick

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES

33. RESOLUTION including the Stable for the Mounted Unit, CIP Project Number PD04006, as part of the Capital Improvement Budget. The Administration requests to amend the FY05 Capital Improvement budget by transferring \$122,668.00 from the Heliport Facility, CIP Project Number PD04005 to the Stable for the Mounted Unit, CIP Project Number PD04006 and transferring \$177,332.00 from Expand Vehicle Storage, CIP Project Number PD04001 to the Stable for the Mounted Unit, CIP Project Number PD04006. The Administration also requests to appropriate \$300,000.00 funded by G.O. Bonds General, CIP Project Number PD04006 for the Stable for the Mounted Unit.

Taylor

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC SERVICES

34. RESOLUTION accepting grant funds in the amount of \$1,158,015.00 from the Department of Homeland Security Transportation Security Administration Program. Resolution also amends FY 2005 Operating Budget to appropriate grant funds.

Chumney

ACTION REQUESTED: Adopt the resolution

35. RESOLUTION authorizing execution of an agreement with R.H.A. Corporation for the exchange and conveyance of property, as approved by the Board of Commissioners of the Memphis and Shelby County Port Commission on August 27, 2004.

Chumney

Contract No. CR-4910

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC WORKS (none)

ZONING ORDINANCE - THIRD AND FINAL READING

36. ORDINANCE rezoning the east side of Whitten Road; +1,366 feet north of Macon Road, containing 0.39 acre in the Single Family Residential (R-S8) District, up for T H I R D and F I N A L reading.

Peete

Ordinance No. 5086
Case No. Z 04-133cc

Applicant: Ken and Lauren Zimmerman

Request: Local Commercial (C-L) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

68 NOTICES MAILED ON NOVEMBER 24, 2004

DIVISION OF PLANNING & DEVELOPMENT

37. RESOLUTION approving a use variance located on the southwest corner of Mosby Avenue and Manassas Avenue, containing 0.46 acre in the Moderate Density Residential (MDR) District.(Held from 11/23)

Peete

Case No. UV 04-11

Applicant: Sonja R. Hester

Request: Renovate a vacant apartment building to accommodate 7, 2-bedroom units

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

38. RESOLUTION approving a special use permit located on the northwest side of Austin Peay Highway; +1,270 feet northwest of Coleman Road, containing 3.09 acres in the Planned Commercial (C-P) District.

Peete

Case No. SUP 04-220

Applicant: Mike's Autoplex (Mike Karel)
Nathan Bicks – Representative

Request: Motor Vehicles Sales

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: REJECTION

No Opposition at LUCB; No Public Hearing Required
(Since the Opposition present did not reside within the 500 foot notification radius)

PUBLIC HEARINGS

39. RESOLUTION approving a planned development Located on the north side of Cottonwood Road; +/-78.20 feet east of Knight Road, containing 4.18 acres in the Single Family Residential (R-S6) District.(Held from 11/9)

Peete

Case No. PD 04-336

Applicant: Katrina Walker
Universal Design Group – Representative

Request: Planned development to permit a three (3) story seventy-six (76) unit independent living facility, including associated accessory uses within the Outline Plan

LUCB and OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

96 NOTICES MAILED ON OCTOBER 22, 2004

40. RESOLUTION approving a planned development located on the east side of Mendenhall Road; +124 feet north of Princeton Avenue, containing 1.459 acres in the Single Family Residential (R-S6) District. (Held from 11/9;11/23)

Peete

Case No. PD 04-353

Applicant: Sovereign Builders, LLC
SR Consulting, LL – Cindy Reaves – Representative

Request: A planned development to permit 10 single family detached lots
with a minimum of lot size of 4,876 square feet within the plan

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

125 NOTICES MAILED ON OCTOBER 22, 2004

41. RESOLUTION approving a planned development located on the southeast corner of Kate Bond Road and Reese Road at I-240, containing 19.63 acres in the Single Family Residential (R-S8) District.

Peete

Case No. PD 04-345

Applicant: William H. Thomas
ETI (Ralph Smith) – Representative

Request: Area A – 12 acres – Multi-Family
Area B - 7.63 acres – Commercial Uses

LUCB and OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

112 NOTICES MAILED ON NOVEMBER 24, 2004

42. RESOLUTION approving a planned development located on the east side of Rockyford Road; +1,081.06 feet north of Old Brownsville Road, containing 154.6 acres in the Agricultural (AG) and Agricultural Flood Plain (AG[FP]) Districts.

Peete

Case No. PD 04-362cc

Applicant: First Capital Investments, LLC
Charles Goforth, Barge Waggoner Summer & Cannon –
Representatives

Request: Planned development to permit 295 Single Family Detached lots
with a minimum lot size of 10,000 square feet within the plan

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

43 NOTICES MAILED ON NOVEMBER 24, 2004

GENERAL ITEM

43. RESOLUTION approving a hotel waiver of a special use permit for the LaQuinta Inn and Suites located at 6069 Macon Cove.

Peete

ACTION REQUESTED: Adopt the resolution

ADJOURNMENT